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Docket No. GTW-00147 (P1449.2)**REMARKS**

The applicant thanks Examiner Idowu for the courtesies extended to applicant's representative, Scott Richardson, during the brief telephone interview of September 8, 2008 during which some proposed claim amendments were discussed. The present Amendment reflects the discussion of the conversation. It is understood that the claim amendments will not be entered into the application as an After-Final Amendment at this juncture of the prosecution, and the amendments appear to overcome the pending rejections. Accordingly, this paper is being filed with a Request for Continued Examination (RCE) to secure entry of the claim amendments. Favorable reconsideration of the present patent application is respectfully requested in view of the foregoing amendments and the following remarks.

In this Amendment claims 1 and 9 are amended, claims 39-41 are added, and claims 8 and 16 are canceled. As a result, claims 1-7, 9-15 and 17-41 are now pending in the application. Independent claims 1 and 9 are amended to respectively incorporate features of dependent claims 8 and 16, which are now canceled. Support for the newly added claims can be found throughout the disclosure, for example, in the specification at pages 11-12.

The final Office Action of June 4, 2008 includes a rejection of claims 1-32 under 35 U.S.C. §103(a) in view of U.S. Patent 6,631,523 (Matthews) and further in view of Published U.S. Patent Application 2005/0216936 (Knudson). Claims 23-38 are rejected under 35 U.S.C.

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§103(a) in view of Matthews further in view of Knudson and yet further in view of U.S. Patent 5,801,787 (Schein).

*§103 Rejection in view of Matthews / Knudson*

The §103 rejections of claims 1-38 in view of the Matthews / Knudson / Schein hypothetical combinations are respectfully traversed for at least the following reasons.

The present invention involves the display of programming information for transitory broadcast events on an electronic program guides (EPG). Examples of such transitory broadcast events include press conferences, space vehicle launches, governmental hearings, or the like, which are often broadcast live at a predetermined time. The previous response filed February 22, 2008 pointed out that the art of record does not teach or suggest the claimed features pertaining to transitory events. For example, the art relied upon in the pending rejection does not teach or suggest a "first information handling system being configured to search a worldwide network for information regarding a transitory broadcast event and to incorporate the transitory event information into the generated program guide prior to transmitting the program guide to said second information handling system," as recited in claim 1, or other features reciting a "transitory event" in the other claims. In the pending Office Action the Office now adopts a new definition of the term "transitory," contending that "transitory broadcast events are simply events in the EPG with designated start and end times; transitory being interpreted as an event that lasts for a short period of time." If this were the case then all EPG information would pertain to transitory

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events since, presumably, all EPG listings specify a start time and an end time. Such is not the case, however. A transitory event is a temporary event (or transient or ephemeral)—in other words, a temporary event is not a prerecorded, regularly schedule program.

In an effort to further the prosecution, the present Amendment incorporates dependent claims 8 and 16 into their respective parent claims so that claims 1 and 9 now each recite “said transitory broadcast event being a scheduled live broadcast event.” Claim 17 (not amended herein) recites “information regarding a scheduled live broadcast event and to incorporate the transitory event information.” The art relied upon in the pending rejections do not disclose or suggest these features involving a live broadcast event. The Office Action states that “live events are simply interpreted as programs or events that are not pre-cached and are being broadcast to viewers at the time they are being watched. A more accurate definition may be events that are broadcast to viewers at the time they are occurring.

Conventional EPGs are commonly used to display time and channel information for upcoming television programs—but only for *regularly scheduled* programs on a predefined set of channels—not for transitory broadcast events, for example, not for live broadcast events. Conventional EPGs do not display program information for single, transitory broadcast events, unless such events are being aired on one of the predefined set of channels in the EPG.

The Matthews patent involves an interactive entertainment system that integrates hyperlinks into an EPG display. Viewers of television programming using Matthews’ may find the embedded hyperlinks useful for retrieving supplemental information. However, it is clear

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from the Matthews document that the embedded EPG hyperlinks do not provide information for any sort of “live events.”<sup>1</sup> Instead, the hyperlinks reference Internet URLs for retrieving supplemental information for regularly scheduled programs of interest. The Office points to column 9, lines 54-67 of Matthews, contending that this passage somehow pertains to live events. This passage of Matthews involves the hyperlinks that can be embedded in an EPG listing for a television episode, e.g., an episode of Seinfeld. Such episodes (e.g., Seinfeld) are not live events. The passage does mention that the embedded hyperlink can “link to a target having video coverage of comedian Jerry Seinfeld performing at night clubs.” This sentence of Matthews is not relevant for two reasons. First, it is the hyperlink in the EPG guide of Matthews that links to video coverage Jerry Seinfeld’s night club performance. This is different from the claimed feature of “incorporate[ing] transitory event information into the generated program guide prior [with] said transitory broadcast event being a scheduled live broadcast event” as recited in claims 1 and 9, or similar features of claim 17. (Is the Office contending that Matthews somehow provides information about a live night club performance by Jerry Seinfeld?). Secondly, the embedded hyperlink in Matthews links to *video* of Jerry Seinfeld’s night club performance, and therefore does not involve any sort of live broadcast event itself.

The second cited Knudson document involves a system for placing advertisement banners on an interactive program guide screen (e.g., an EPG). The third cited Schein patent involves a television guide system identifies the times/channels on which multiple occurrences of a single show will be aired. **In the event the pending rejection is maintained, it is respectfully**

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<sup>1</sup> See Matthews, col. 4, lines 53-60.

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requested that the next paper explain how either Matthews, Knudson or Schein is being construed to teach either “scheduled live broadcast event” (claims 8, 16 and 17).

Claim 23 recites “adding an augmented temporary channel” and claim 24 recites “wherein the augmented temporary channel is removed from the program guide upon completion of the transitory broadcast event.” Claims 25/26 and 27/28 recite similar features. None of the art of record teaches or suggests these features. The Office points to various portions of columns 8-10 in the Matthews document. However, it is unclear how any of these portions of Matthews, or any other portions of Matthews, relate in any way to adding a temporary channel for a transitory broadcast event and then removing the temporary channel upon completion of the transitory broadcast event. **In the event the pending rejection is maintained, it is respectfully requested that the next paper explain how either Matthews, Knudson or Schein is being construed to teach or suggest the features of claims 23-28 regarding the addition / removal of temporary channels.**

Accordingly, it is respectfully submitted that Matthews, Knudson and Schein, either taken singly or as a hypothetical combination, do not teach the features of the claimed invention.

Therefore, withdrawal of the rejection is earnestly requested.

#### *New Claims*

Claims 39-40, added by this Amendment, recite “wherein said programming information from the program information source comprises information about regular programming airing

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on established media channels, and wherein said programming information from the program information source does not include information regarding said transitory broadcast event.”

Newly added claim 41 recites similar features. Support for the newly added claims can be found throughout the disclosure, for example, in the specification at pages 11-12. These dependent claims help to distinguish the transitory broadcast event, and in particular, information about the transitory broadcast event which is added to a temporary channel not a part of the program guide created from the programming information source. It is respectfully submitted that the art of record does not teach or suggest these features.

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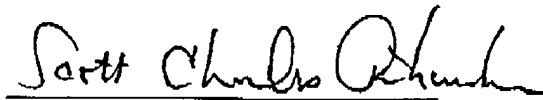
*Deposit Account Authorization / Provisional Time Extension Petition*

It is believed that the Fee Transmittal and Petition for a One-Month Extension of Time attends to the necessary fees and time extension needed for this filing. However, to the extent necessary, a provisional petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-0439 and please credit any excess fees to such deposit account.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. However, in the event there are any unresolved issues, the Examiner is kindly invited to contact applicant's representative, Scott Richardson, by telephone at (571)748-6200 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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